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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,656

12/08/2003

Alex K. Tsui

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07/12/2006

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EXAMINER

LIE, ANGELA M

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/730,656

Applicant(s)

TSUI ET AL.

Examiner

Angela M. Lie

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/8/2003</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-7 and 11-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 1-7, those claims disclose the method or program, which is not embodied in the computer readable storage medium as clearly stated in claim 8.

With respect to claims 11-17, those claims disclose the system performing software instructions, however according to the claims 16 and 17, this method does not comprise a computer readable storage media. Furthermore, in claims 16 and 17, the applicant uses following terms "a computer program product" and "an article" respectively. Those terms on its own do not constitute statutory subject matter since those phrases could be just another way of reciting software.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1,4,9-11,15,19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhat (US Publication 20030055808).

As to claim 1, Bhat discloses a method of providing a unified logging service for use in a network having a plurality of nodes capable of generating event logs, wherein the unified logging service having a unified log server (Figure 1, element 140) and repository (Figure 1, element 145), comprising the steps of: converting an event log file of a first log type and structure associated with a sending node into a predetermined format (Abstract and paragraphs 55-57, wherein configuring or modifying is considered to be equivalent with changing the format); transmitting the converted event log file over the network to the unified log server (Figure 3, steps 360 and 370); receiving the converted event log file by the unified log server (Figure 1, element 140); determining the log type of the converted log file and routing the converted log file to a log handler compatible with the log type and the predefined format (paragraph 55, lines 12-15 and paragraph 47, lines 18-21); identifying a receiving node compatible with the log type for the converted event log file (Figure 2, element 145), and forwarding the converted event log file from the log handler to the identified receiving node (paragraph 73).

As to claim 9, Bhat discloses an apparatus for providing a unified logging service, comprising: a unified logging server (Figure 1, element 140); means for receiving an event log file at the unified logging server (Figure 1, elements 142 and 141); a log adapter for converting the event log file from a first structure to a predefined format (Figure 3, steps 360 and 370); means for determining a log type of the converted event log file and a log handler suitable for the log type (Figure 2, element 141); means for forwarding the converted event log file to the log handler (inherently there has to be a connection allowing forwarding the logging information because otherwise the system would be inoperable); means for identifying a receiving node (Figure 2, element 210); means for forwarding the converted event log file to the identified receiving node (Figure 2, connections between element 210 and elements 230, 240 and 250).

As to claim 11, Bhat discloses a system comprising: a sending node having a first structure (Figure 1, element 110); an event log file having a first log type associated with the sending node; a log adapter for the sending node for converting the event log file from the first structure to a predefined format (Figure 3, steps 360 and 370); means for transmitting the converted event log file across the network (Figure 1, element 120) to a unified logging server (Figure 1, element 140); means for receiving the converted event log file at the unified logging server (Figure 1, element 142); means for determining the log type of the converted event log file and a log handler suitable for the log type (paragraph 41, lines 16-20); means for forwarding the converted event log file to the log handler (Figure 1, connection between element 120 and 142) ; means for identifying a receiving node for the converted event log file (Figure 1, element 142);

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means for forwarding the converted event log file to the identified receiving node (Figure 2, connection between element 210 and elements 230, 240 and 250).

As to claim 19, Bhat discloses a software product embodied in the computer readable medium, wherein the computer performs following steps: convert an event log file of a first log type and structure associated with a sending node into a predefined format (Figure 3, steps 360 and 370); transmit the converted event log file onto a network (Figure 1, element 120) to a unified log server (Figure 1, element 140); receive the converted event log file by the unified log server; determine the log type of the converted log file (paragraph 41, lines 16-20) and rout the converted log file to a log handler compatible with the determined log type (Figure 2, elements 212, 214 and 216) and the predefined format; identify a receiving node compatible with the log type for the converted event log file, and forward the converted event log file from the log handler to the identified receiving node (Figure 2, elements 230, 240 and 250).

As to claims 4, 10, 15 and 22, Bhat discloses the method an apparatus comprising the step of and means for storing the converted log file in the repository (paragraph 47, lines 17-18).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhat (US Publication 2003/0055808) in the view of Sullivan et al (US Publication 2004/0172284). Bhat teaches all the limitations disclosed in claim 1 and 19 respectively, however he does not teach acknowledging receipt of the converted event log file by the identified receiving node to the sending node. Sullivan teaches information management system-allowing logging in to access the data stored in database in response to receipt of an authorized user identification and password. It would have been obvious to one of the ordinary skill in the art during the time the invention was made to use confirmation receipt after certain task is completed as taught by Sullivan, in Bhat logging in process, because using receipt for completed tasks is well known in the art, it allows for instance a network administrator to easily monitor the condition of the logging service, so if there are any potential complications with a network, the administrator can recognize it much sooner.

8. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhat (US Publication 2003/0055808) in the view of Covert et al (US Patent 5982995). Bhat teaches all the limitations disclosed in claims 1 and 19 respectively, however he does not specifically teach that the predefined format includes a header and a body. Covert teaches logging data in a form having a header (Figure 4, element 44) and a body (Figure 4, element 45). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to use the format having a header and a body as taught by Covert in the Bhat's log event system, because this allow for better

organization of a collected data, and it also makes it easier to the user to manage event log data since header and the remaining data contained in the body are separated.

9. Claims 6-8,16,17,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhat (US Publication 2003/0055808) in the view of Covert et al (US Patent 5982995) and further in view of Falls et al (US Patent 6247149).

As to claims 6 and 24, Covert also teaches the header containing information comprising: a log system identifier, a log type identifier (Figure 4, element 141, wherein type comprises source (system) and type (module)) and a log create timestamp (Figure 4, element 142), wherein the information under numerals 144-149, correspond to the specific numeral 140-143 respectively). Covert does not teach however that the information comprises a server identifier. Falls teaches a logging system wherein display diagnostic logging information lists the name of the server in the header portion. It would have been obvious to one of the ordinary skill in the art during the time the invention was made to place server information as taught by Falls in the header portion of the Covert's log event information and further use this formatted log data in Bhat's log system because information such as server name, type of log, destination, source and a time stamp are one of the main most useful information to identify the event and possibly fix existing problem. Furthermore, the decision of what kind information should be placed in the formatted version is a matter of a design choice based on the preferences of, for instance, network administrator.

As to claims 7 and 25, Covert further teaches the body of transaction information comprising: a message portion, wherein the message portion is further defined by fields



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specific to the log type (Figure 4, element 149); and a time stamp portion (Figure 4, element 147).

As to claims 8, 16 and 17, Bhat, Covert and Falls teach their method being embodied tangibly in a computer readable storage medium ('149, Figure 1; '995, Figure 2 and '808 Figure 1).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhat (US Publication 2003/0055808) in the view of Falls et al (US Patent 6247149). Bhat teaches all the limitations disclosed in claim 11, however he does not teach a log adapter for the receiving node for converting the predefined format to an event log file of the first structure. Falls teaches converting data into the user-friendly display of relevant information (column 9, lines 30-34), and he also teaches the option of archiving that information. Even though he does not explicitly state that data in the displayed window once archived is converted back to its original format, it is still obvious because the data cannot be saved exactly as it appears in the information window (Figure 2) and even if it would be done it would take a lot of memory and therefore it would be very inefficient. It would have been obvious to one of the ordinary skill in the art during the time the invention was made to use a log adapter allowing for converting the formatted data to its original format as taught by Falls and use it Bhat's logging system because this would allow to efficiently archive important log events and it would also be efficient in terms of required memory space.

***Allowable Subject Matter***

11. Claims 3, 14 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Furthermore the applicant also needs to overcome rejection under 35 U.S.C 101 in order to place this application in condition for allowance.

12. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 3, 14 and 21, the prior art of record fails to teach the method, the system and the article of the manufacture as disclosed in claims 2, 12 and 20 respectively, further comprising the step and means for converting the acknowledgment to the predefined format.

***The Prior Art***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 6125392 discloses the method and apparatus for high speed event log data compression, wherein the log data is converted into the format having header and the body .

***Inquiry***

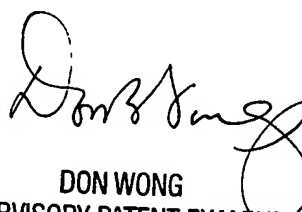
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela M. Lie whose telephone number is 571-272-8445. The examiner can normally be reached on M-F.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Angela M Lie**



**DON WONG**  
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